

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

ARON FREELAND,

Plaintiff,

v.

CIVIL ACTION NO. 2:17-cv-01561

MOUNT OLIVE CORRECTIONAL COMPLEX,

Defendant.

ORDER

This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636. On September 11, 2015, Judge Tinsley submitted his Proposed Findings & Recommendations [ECF No. 5] (“PF&R”) and recommended that the court **DENY as moot** the plaintiff’s Letter-Form Motion for Injunctive Relief [ECF No. 4] and **DISMISS as moot** his Letter-Form Complaint for Injunctive Relief [ECF No. 1]. Neither party timely filed objections to the PF&R nor sought an extension of time.¹

¹ In fact, after receiving a copy of the PF&R entered by Judge Tinsley, the plaintiff filed a motion stating that he agreed with Judge Tinsley’s recommendation and requesting that his original complaint be dismissed without prejudice. Mot. Dismiss [ECF No. 6].

A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Because the parties have not filed objections in this case, the court accepts and incorporates herein the PF&R and orders judgment consistent therewith. The court **DENIES as moot** the plaintiff’s Letter-Form Motion for Injunctive Relief [ECF No. 4], **DISMISSES without prejudice** his Letter-Form Complaint for Injunctive Relief [ECF No. 1], and **DIRECTS** this action to be removed from the docket.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: October 16, 2017



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE